

OCT 11 2005

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|---|----|------------------------|---------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application No. | 10/027,877 |
| | | Filing Date | December 19, 2001 |
| | | First Named Inventor | William E. Webler |
| | | Art Unit | 3736 |
| | | Examiner Name | Jonathan M. Foreman |
| Total Number of Pages in This Submission | 13 | Attorney Docket Number | 5618P2977 |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div> |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature | <i>William T. Babbitt</i> |
| Date | October 11, 2005 |

| CERTIFICATE OF MAILING/TRANSMISSION | | | |
|--|----------------------|------|------------------|
| I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office. | | | |
| Typed or printed name | Nedy Calderon | | |
| Signature | <i>Nedy Calderon</i> | Date | October 11, 2005 |

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (M1) 05/04/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Oct-11-05 03:06pm From-B S T Z

310 820 5988

T-032 P.003/014 F-034
OCT 11 2005

| | | | |
|--|--|----------------------|---------------------|
| FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small> | | Complete If Known | |
| | | Application Number | 10/027,877 |
| | | Filing Date | December 19, 2001 |
| | | First Named Inventor | William E. Webler |
| | | Examiner Name | Jonathan M. Foreman |
| | | Art Unit | 3736 |
| | | Attorney Docket No. | 5618P2977 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | | |
| TOTAL AMOUNT OF PAYMENT | | (\$) | 0.00 |

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit card
 ☐ Money Order
 ☒ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s)
 ☒ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 21 | 25 | 0 | \$0.00 |
| 2 | 3 | 200.00 | \$0.00 |
| Multiple Dependent | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 | Multiple Dependent claim, if not paid |
| 1204 | 300 | 2204 | 150 | **Release independent claims over original patent |
| 1205 | 300 | 2205 | 150 | **Release claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | | | (\$) 0.00 |

2. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 2083 | 130 | 2083 | 130 | Non-English specification | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,690 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 600 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding | |
| 1480 | 130 | 2480 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(a) | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt | |
| 1809 | 700 | 1809 | 365 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 780 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify) | | | | | |
| SUBTOTAL (2) | | | | (\$) | |

| | | | |
|-------------------|---------------------------|-----------------------------------|----------------|
| SUBMITTED BY | | Complete (if applicable) | |
| Name (Print/Type) | William Thomas Babbitt | Registration No. (Attorney/Agent) | 39,591 |
| Signature | <i>William T. Babbitt</i> | Telephone | (310) 207-3800 |
| | | Date | 10/11/05 |

Based on PTO/SA-17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 12/15/2004).
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Oct-11-05 03:06pm From-B S T Z

310 820 5988

T-032 P.004/014 F-034
Oct 11 2005

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|--|--|----------------------|---------------------|-----------|
| FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small> | | Complete if Known | | |
| | | Application Number | 10/027,877 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | Filing Date | December 19, 2001 | |
| | | First Named Inventor | William E. Webler | |
| | | Examiner Name | Jonathan M. Foreman | |
| | | Art Unit | 3736 | |
| TOTAL AMOUNT OF PAYMENT (\$) | | 0.00 | Attorney Docket No. | 5618P2977 |

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit card
 ☐ Money Order
 ☒ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s)
 ☒ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 21 | 25 | 0 | \$0.00 |
| 2 | 3 | 0 | \$0.00 |

Multiple Dependent

| Large Entity | Small Entity | Fee Description |
|--------------|--------------|---|
| 1202 50 | 2202 25 | Claims in excess of 20 |
| 1201 200 | 2201 100 | Independent claims in excess of 3 |
| 1203 350 | 2203 180 | Multiple Dependent claim, if not paid |
| 1204 300 | 2204 150 | **Reissue independent claims over original patent |
| 1205 300 | 2205 150 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (1) (\$)

0.00

2. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 2053 130 | 2053 130 | Non-English specification | |
| 1251 120 | 2251 60 | Extension for reply within first month | |
| 1252 450 | 2252 225 | Extension for reply within second month | |
| 1253 1,020 | 2253 510 | Extension for reply within third month | |
| 1254 1,680 | 2254 785 | Extension for reply within fourth month | |
| 1255 2,180 | 2255 1,080 | Extension for reply within fifth month | |
| 1401 500 | 2401 250 | Notice of Appeal | |
| 1402 500 | 2402 250 | Filing a brief in support of an appeal | |
| 1403 1,000 | 2403 500 | Request for oral hearing | |
| 1451 1,510 | 2451 1,510 | Petition to institute a public use proceeding | |
| 1460 130 | 2460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(g) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt. | |
| 1809 750 | 1809 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 700 | 2810 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |

Other fee (specify) _____

SUBTOTAL (2) (\$)

| | | | |
|---------------------|---------------------------|-----------------------------------|----------------|
| SUBMITTED BY | | Complete (if applicable) | |
| Name (Print/Type) | William Thomas Babbitt | Registration No. (Attorney/Agent) | 39,591 |
| Signature | <i>William T. Babbitt</i> | Telephone | (310) 207-3800 |
| | | Date | 10/11/05 |

Based on PTO/SB/H7 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 12/15/2004.
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REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 3736

Our Ref. No.: 5618P2977

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

William Earl Webler

Application No.: 10/027,877

Filed: December 19, 2001

For: METHOD AND APPARATUS FOR
DETERMINING INJECTION DEPTH
AND TISSUE TYPE

Examiner: Jonathan M. Foreman

Art Unit: 3736

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION

In response to the Office Action dated August 11, 2005, Applicant respectfully requests entry of the amendments set forth below and consideration of the remarks that follow.